IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R.S.A. No. 296 of 2004

DATE OF DECISION : 23.04.2007

Kuldeep Singh and others

.... APPELLANTS

Versus

Gram Panchayat, Village Jassaran

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. R.K. Battas, Advocate,
for the appellants.

This is plaintiffs' Regular Second Appeal against the judgment and decree dated 12.12.2003, passed by the first appellate court, whereby the judgment and decree dated 21.3.2003, passed by the trial court, decreeing the suit of the plaintiffs for permanent injunction, has been reversed.

I have heard counsel for the appellants and gone through the impugned judgment and decree.

In this case, the land in dispute is measuring 7 bighas 4 biswas situated in the revenue estate of village Jassaran, Tehsil Amloh. The plaintiffs claim ownership over the land in dispute and seek permanent injunction against the defendant-Gram Panchayat. In the revenue record, this land is recorded as the ownership of the Gram Panchayat. The trial court decreed the suit by recording a finding that the plaintiffs are in possession of the suit land, whereas the first appellate court has dismissed the suit of the plaintiffs-appellants, while setting aside the decree of the trial court on the ground that in view of Section 13-A of the Punjab Village Common Lands Act, civil court has no jurisdiction to decide the controversy in question. In the impugned judgment, it has been observed by the first

appellate court that since the plaintiffs-appellants have challenged title of the Gram Panchayat, therefore, the matter is to be determined by the authorities under the Punjab Village Common Lands Act and the civil court has no jurisdiction. It has been mentioned that at one stage, vide order dated 28.7.1998, Ex.P14, passed by the DDPO, the land was held to be vesting in the Gram Panchayat and that order is still operating.

In view of the aforesaid findings recorded by the first appellate court, I do not find any illegality or infirmity in the impugned judgment. No substantial question of law is involved in the appeal.

Dismissed.

April 23, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**